

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VINCENT BRYANT,  
Plaintiff,

v.

BAY AREA COMMUNITY SERVICES, et  
al.,  
Defendants.

Case No. 21-cv-02002-KAW

**ORDER TO SHOW CAUSE**

Re: Dkt. No. 24

On August 16, 2021, Defendant Bay Area Community Services filed a motion to dismiss. (Dkt. No. 15.) On September 30, 2021, the Court received a notice of change of address, which indicated that Plaintiff was now incarcerated in Santa Rita Jail. (Dkt. No. 23.) Because it was not clear that Plaintiff received the motion to dismiss, on October 4, 2021, the Court ordered Defendant to serve Plaintiff a copy of the motion to dismiss. (Dkt. No. 24.) The Court also extended Plaintiff's deadline to file the opposition to November 5, 2021. (*Id.*) That same day, Defendant filed a proof of service of the motion to dismiss. (Dkt. No. 25.)

On December 7, 2021, Defendant filed a case management statement, stating that it received a voicemail from Plaintiff on November 3. (Dkt. No. 27 at 1.) Plaintiff stated that he was no longer incarcerated at Santa Rita Jail, but did not provide a new address. He further stated that he was aware of the November 5 deadline to file his opposition and that he planned to do so. (*Id.*) Defendant has not received any further communications from Plaintiff since. (*Id.*)

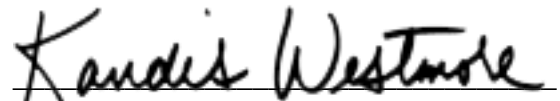
To date, however, Plaintiff has not filed his opposition to the motion to dismiss. Pursuant to the undersigned's standing order, "[t]he failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion." (Judge Westmore's General Standing Order ¶ 23.) Accordingly, Plaintiff is ordered, on

1 or before **December 30, 2021**, to 1) file an opposition or statement of non-opposition to the  
2 pending motion, 2) file a response to this order to show cause explaining why the opposition was  
3 not timely filed, and 3) file an updated address. Should an opposition be filed, Defendants may  
4 file a reply on or before **January 14, 2022**. Failure to comply with this order in its entirety **will**  
5 result in the Court granting Defendants' motion to dismiss.

6 The Court VACATES the December 14, 2021 case management conference.

7 IT IS SO ORDERED.

8 Dated: December 8, 2021

  
KANDIS A. WESTMORE  
United States Magistrate Judge

United States District Court  
Northern District of California